

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

## ENTERPRISE FINANCIAL GROUP, INC.

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Plaintiff,

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CIVIL ACTION NO.: 3:15-cv-02036-B

NORTH AMERICAN VEHICLE  
INSURANCE SPECIALISTS, LLC  
d/b/a NAVISS; VSC SERVICES 101, LLC;  
VSC ADMINISTRATION SERVICES  
CENTER; WARRANTY CONSULTANTS  
GROUP, LLC; CLAYTON LOGOMASINI,  
an Individual; and JASON CHRISCO,  
an Individual;

## Defendants.

**PLAINTIFF'S NOTICE OF NONSUIT WITHOUT PREJUDICE**

COMES NOW, Enterprise Financial Group, Inc. and files this Notice of Nonsuit Without Prejudice of Defendants Gary Prim, United Auto Defense, LLC, Richard Podhorn, Todd Beikmann, and National Repair Protection, LLC. Simultaneously with this filing, Plaintiff has filed a First Amended Complaint which, in effect, has nonsuited and dismissed without prejudice, the above-listed Defendants.

Counsel for Defendants Gary Primm and United Auto Defense, LLC have stipulated and agreed, in writing, such Defendants' consent to nonsuit without prejudice. Such writing is attached hereto as Exhibit "A."

Counsel for Defendants Richard Podhorn and National Repair Protection, LLC have stipulated and agreed, in writing, to the nonsuit and dismissal without prejudice of same. Such writing is attached hereto as Exhibit "B."

Defendant Todd Beikmann is not represented by counsel. Defendant Beikmann has stipulated and agreed, in writing to the nonsuit and dismissal without prejudice of same. Such writing is attached hereto as Exhibit "C."

Respectfully submitted,

SHIELDS LEGAL GROUP

/s/ Bart F. Higgins

James D. Shields  
State Bar No. 18260400

Bart Higgins  
State Bar No. 24058303  
David A. Shields  
State Bar No. 24083838

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff hereby certifies that on this date, the 14<sup>th</sup> day of July, 2015, counsel for Plaintiff conferred with counsel for Defendants Gary Primm and United Auto Defense, LLC, George N. "Trey" Wilson III and Christopher L. Gordon and reached an agreement stipulating the nonsuit and dismissal without prejudice of same from this suit.

Counsel for Plaintiff hereby certifies that on this date, the 14<sup>th</sup> day of July, 2015, counsel for Plaintiff also conferred with David F. Neiers, counsel for Defendants Richard Podhorn and National Repair Protection, LLC, and reached an agreement stipulating the nonsuit and dismissal without prejudice of same from this suit.

Counsel for Plaintiff hereby certifies that on this date, the 14<sup>th</sup> day of July, 2015, counsel for Plaintiff also conferred with Todd Beikmann, who is unrepresented, and reached an agreement stipulating the nonsuit and dismissal without prejudice of same from this suit.

/s/ Bart F. Higgins

Bart F. Higgins

**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2015 the foregoing was served on all counsel of record via the Court's ECF system in accordance with the Federal Rules of Civil Procedure.

William H. Church, Jr.  
Daniel D. McGuire  
Polsinelli, PC  
2501 N. Harwood Street, Suite 1900  
Dallas, Texas 75201

Jeffrey Kass  
William Meyer  
Polssinelli, PC  
1515 Wynkoop, Suite 600  
Denver, CO 80202

George N. Wilson, III  
Christopher L. Gordon  
Thompson Coe  
Plaza of the Americas  
700 N. Pearl St., 25<sup>th</sup> Floor  
Dallas, Texas 75201

David F. Neiers  
Sandberg Phoenix & von Gontard P.C.  
120 S. Central Avenue, Suite 1420  
St. Louis, MO 63105

)  
/s/ Bart F. Higgins  
Bart F. Higgins

**Bart Higgins**

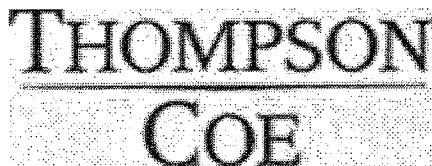
**From:** Wilson, Trey <TWilson@thompsoncoe.com>  
**Sent:** Tuesday, July 14, 2015 2:58 PM  
**To:** Bart Higgins  
**Cc:** Gordon, Christopher  
**Subject:** Gary Primm and United Auto Defense

Bart:

This will confirm that United Auto Defense and Gary Primm agree to Enterprise Financial Group's proposed motion to amend its pleadings to dismiss United Auto Defense and Gary Primm from this lawsuit without prejudice.

Please let me know if you need anything else. Thanks,

Trey



George (Trey) N. Wilson III  
**Thompson Coe Cousins & Irons, L.L.P.**  
700 N. Pearl St. | 25th Floor | Dallas, TX. 75201  
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**Bart Higgins**

---

**From:** David F. Neiers <[dneiers@sandbergphoenix.com](mailto:dneiers@sandbergphoenix.com)>  
**Sent:** Tuesday, July 14, 2015 4:16 PM  
**To:** Bart Higgins  
**Subject:** RE: EFG v. NAVISS, et al.3:15-cv-02036-B

Bart,

I consent as we discussed and as you provide below. Thank you for the courtesy.

David F. Neiers  
Shareholder  
Sandberg Phoenix & von Gontard P.C.  
120 S. Central Avenue, Suite 1420  
St. Louis, MO 63105  
Direct: 314-425-4950  
Tel: 314-231-3332  
Fax: 314-241-7604  
[dneiers@sandbergphoenix.com](mailto:dneiers@sandbergphoenix.com)  
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**From:** Bart Higgins [<mailto:bhiggins@shieldslegal.com>]

**Sent:** Tuesday, July 14, 2015 4:12 PM

**To:** David F. Neiers

**Subject:** EFG v. NAVISS, et al.3:15-cv-02036-B

David, Could you kindly send me a reply email confirming that you have consented to EFG non-suiting National Repair Protection and Richard Podhorn without prejudice in the above-referenced case? Although we both agreed, I do not need your clients' consent before I file the notice or stipulation of non-suit, I just wanted to be able to show the Court that I reached out to you as a professional courtesy and you consented on behalf of your clients -- Richard Podhorn and National Repair Protection. I was able to get ahold of Todd Beikmann who also provided his consent. Thanks BFH

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**Bart F. Higgins**  
**SHIELDS LEGAL GROUP**  
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[bhiggins@shieldslegal.com](mailto:bhiggins@shieldslegal.com)  
[www.shieldslegalgroup.com](http://www.shieldslegalgroup.com)

**Exhibit B**

## Bart Higgins

**From:** Todd Beikmann <tbeikmann@kc.rr.com>  
**Sent:** Tuesday, July 14, 2015 4:28 PM  
**To:** Bart Higgins  
**Subject:** RE: EFG v. NAVISS, et al.3:15-cv-02036-B

I give my consent

Todd Beikmann  
913 706-1593

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**From:** Bart Higgins [mailto:[bhiggins@shieldslegal.com](mailto:bhiggins@shieldslegal.com)]  
**Sent:** Tuesday, July 14, 2015 4:19 PM  
**To:** [tbeikmann@kc.rr.com](mailto:tbeikmann@kc.rr.com)  
**Subject:** EFG v. NAVISS, et al.3:15-cv-02036-B

Todd, Could you kindly send me a reply email confirming that you have consented to EFG non-suiting the claims against you without prejudice in the above-referenced case? Thanks BFH

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**Bart F. Higgins**  
**SHIELDS LEGAL GROUP**  
Attorney  
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Office Main: 972-788-2040  
Office Fax: 972-788-4332  
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[my LinkedIn profile](#)

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